



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of

MARKHAM

Serial No.: 09/589,788

Filed: June 8, 2000

Atty. File No.: 7032-8-1

For: "BOUNCING PET TOY"

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION IN RESPONSE TO
NOTICE OF INCOMPLETE
REISSUE APPLICATION.
PETITION FOR GRANTING OF
FILING DATE AS OF JUNE 8, 2000,
AND REQUEST FOR REFUND OF
PETITION FEE

"EXPRESS MAIL" MAILING LABEL NUMBER: EL686043316US
DATE OF DEPOSIT: July 20, 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL"
POST OFFICE TO ADDRESSEE" UNDER CFR 1.10 ON THE DATE
INDICATED ABOVE ADDRESSED TO THE COMMISSIONER OF
PATENTS AND TRADEMARKS, WASHINGTON, DC 20231.

TYPED OR PRINTED NAME: Katherine L. Goncalves

SIGNATURE: Katherine L. Goncalves

Dear Sir/Madam:

Applicant hereby petitions in response to the Notice of Incomplete Reissue Application mailed on May 24, 2001. In the Notice, it was asserted that the specification was missing, and that the specification did not include at least one claim. This Notice is incorrect. The specification was filed with the original reissue application. Enclosed herein at Exhibit A is a copy of the postcard, stamped as being received by the Patent Office on June 8, 2000. The specification filed was a copy of the patent to be reissued, U.S. Patent No. 5,865,146. Also enclosed at Exhibit B is the applicant's transmittal letter (two pages) signed by Ms. Ginny Sawatzke on June 8, 2000, certifying that a copy of U.S. Patent No. 5,865,146 as the specification was filed. Finally, enclosed at Exhibit C is a copy of the PTO Form SB/50 (two pages) also certifying that a photocopy of the U.S. Patent No. 5,865,146 was included with the original filing of the application.

According to MPEP §1410 (Content of Reissue Application), the specification of the reissue application is the copy of the patent for which reissue is requested that is submitted by applicant as part of the initial application papers. As stated above, a copy of the patent for which reissue is requested was filed as the specification. MPEP §1411 states that cut-up soft copies of the original patent, with only a single column of the printed patent securely mounted on a separate sheet of paper,

should be used in preparing the reissue specification and claims to be filed. Applicant did not submit a cut-up copy of the original patent; rather, a copy of the original patent which was not cut up was submitted. Therefore, applicant's only potential error with regard to the filing of the specification of this reissue application was not to place the specification in the cut-up form.

Applicant's attorney contacted Mr. Tim Williams on July 19, 2001 at the Initial Patent Examination Division to request that the Initial Patent Examination Division pull this re-application file to see if, in fact, a copy of the patent was in the file. Mr. Williams indicated that he would order the file from the Central Files.

Also enclosed herein is the petition fee for \$130.00. Any underpayment of this fee may be charged to Deposit Account No. 19-1970.

A copy of the Notice of Incomplete Reissue Application is also enclosed herein.

In summary, applicant respectfully petitions withdrawal of the Notice of Incomplete Reissue Application, granting of a filing date of June 8, 2000, and refund of the petition fee.

If there are any outstanding matters which would prevent the above requested relief, the Petition Office is urged to contact the undersigned at 303-863-2982.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:



Brent P. Johnson
Registration No. 38,031
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 7/20/01



June 8, 2000

RE: U.S. Reissue Patent Application Corresponding to U.S. Patent No. 5,865,146 Entitled "Bouncing Pet Toy"; Docket No. RE97.18

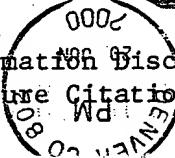
Enclosed herewith for filing:

jc836 U.S. PTO
09/589788

- Express Mailing Form No. EL245411704US
- Reissue Patent Application Transmittal (2 pages) 06/08/00
- Reissue Application Fee Transmittal Form (1 original and 1 copy)
- Preliminary Amendment
- Four (4) formal drawing sheets
- Reissue Application Declaration by the Inventor
- Copy of U.S. Patent No. 5,865,146
- Reissue Application by the Assignee, Offer to Surrender Patent
- Statement Under 37 CFR 3.73(b)
- Copy of Assignment
- Consent of Assignee
- Submission to Information Disclosure Citation
- Information Disclosure Citation in an Application w/copies of patents cited
- Check for \$423.00
- Return postcard

RECEIVED

JUN 21 2000



/gs



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Reissue Application of)
Joseph P. Markham)
Reissue Application of)
Patent No. 5,865,146)
Issued: February 2, 1999)
For: "Bouncing Pet Toy")

Assistant Commissioner for Patents
Washington, D.C. 20231

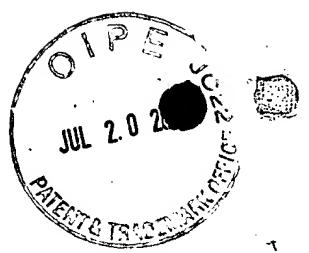
"Express Mail" Mailing Label No. EL245411704US

Date of Deposit: June 8, 2000

I hereby certify that the following:

- Reissue Patent Application Transmittal (2 pages)
- Reissue Application Fee Transmittal Form (1 original and 1 copy)
- Preliminary Amendment
- Four (4) formal drawing sheets
- Reissue Application Declaration by Inventor with copy of U.S. Patent No. 5,865,146 as specification
- Reissue Application By the Assignee Offer to Surrender Patent
- Statement Under 37 CFR 3.73(b) with copy of Assignment attached
- Consent of Assignee
- Submission of Information Disclosure Citation
- Copies of references cited
- Check for \$423.00 for the filing fees
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated



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above and are addressed to BOX REISSUE, Assistant Commissioner For
Patents, Washington, DC 20231.

Virginia A. Sawatzke

Virginia A. Sawatzke
8480 East Orchard Road, Suite 5600
Englewood, CO 80111
(303) 689-9100

Date: June 8, 2000